IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

–

WRIT PETITION NO : 21860 of 2004

Between:

1. P.Ramulu

   S/o.Muchaiah
   C/o.FCI Plot No.14,

   Gollagudem, Nalgonda.

2 G.Sree Ramulu

   S/o.Venkaiah
   R/o.H.No.8-1-689,

   RTC Colony, Nalgonda.

3 Mohd John S/o.Bickan
   R/o.H.No.4-10-398/B

   Abbagia, Nalgonda.

4 M.Mallaiah

   S/o.Gangaiah
   R/o.6-3-126/J-6

   Sawarkarnagar,

   Ramgiri, Nalgonda.

5 T.Samuel Victor S/o. Late T.S.John
R/o.6-2-813, Suryanagar Colony Nalgonda District.

..... PETITIONERS

AND

1. The Senior Regional Manager,

Food Corporation of India
A.P.Region, HACA Bhawan.

2. The District Manager,

Food Corporation of India
Nalgonda District Office Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of writ of Mandamus or any other appropriate writ (i) declaring the action of the respondents in ordering for recovery of money from the petitioner towards transit losses, full bag shortages without conducting detailed enquiry as required under Rule 58 of the F.C.I Staff Regulations 1971 is illegal (ii) declare that action of the respondents in issuing the final orders of recovery vide order No.VIG.3(1)/2001/25 dt.29.9.2004, No.VIG.3(1)/2001/34 dt.28.9.2004, No.VIG.3(1)/2001/30 dt.24.10.2004 issued by the second respondent as illegal, arbitrary and violative of principles of natural justice and consequently set aside the same.

Counsel for the Petitioners: MR.G.VIDYASAGAR

Counsel for the Respondents: MR.B.ANJANEYULU

The Court at the admission stage, made the following:

THE HON'BLE MR JUSTICE K.C.BHANU

WRIT PETITION NO: 21860 of 2004

ORDER:

Admittedly, a review petition lies to the 1st respondent-Senior Regional Manager, Food Corporation of India, Hyderabad, within 45 days from the date of receipt of a copy of the impugned order. The jurisdiction of authority who passed this order is not under challenge.

2. Therefore, without entering into the merits of the case, a direction is given to the petitioners to file a review petition before the 1st respondent-Senior Regional Manager. The 1st respondent-Senior Regional Manager has to dispose of the review petition within three months from the date of filing of a review petition. Thereafter, till the disposal of review petition, no recovery proceedings should be initiated.

3. Accordingly, the writ petition, with the said observation, is disposed of. There shall be no order as to costs.

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November 29, 2004

Kvr

To

1. The Senior Regional Manager,

   Food Corporation of India
   A.P.Region, HACA Bhawan.

2. The District Manager,

   Food Corporation of India
   Nalgonda District Office Nalgonda District.

3 Two C.D.Copies.